



JENNIFER M. GRANHOLM
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF HUMAN SERVICES
BUREAU OF CHILDREN AND ADULT LICENSING



ISMAEL AHMED
DIRECTOR

July 21, 2008

CHILD PLACING AGENCY LETTER 2008– 01

To: Child Placing Agencies and Family Courts that Certify Foster Homes
All Foster Family Homes and Foster Family Group Homes

From: James B. Gale, Director *James B. Gale*
Office of Children and Adult Licensing

Subject:

- BCAL Review of Initial Evaluations
- Fingerprinting Payment Billing Errors
- Notification of Michigan's Children's Institute
- Promulgation of New Child Placing Agency and Foster Family Home Rules
- Zoning Changes for Foster Family Group Homes
- BCAL Central Office Child Welfare Staffing

BCAL Review of Initial Evaluations

Recently, BCAL was able to add a second child welfare licensing consultant to our Central Office staff. Carol Slottke comes to us from the Department's Bureau of Juvenile Justice, where she managed the juvenile justice assignment unit. She joins Patty Riviera, who has been ably providing BCAL's license certification and complaint training for the last seven years.

We created this second child welfare licensing consultant Central Office position with the specific intent to more closely scrutinize the appropriateness of child placing agencies' recommendations for original licensure. A major new assignment for the CWL Central Office Licensing consultants will be to read and review all original foster home licensing studies – i.e. initial evaluations - submitted to BCAL for license issuance. The purpose of this individualized review is to assure that, at a minimum, the agency's initial evaluation is a complete, comprehensive assessment of all of the following rule-required topics:

R400.12310 Initial evaluation.

The report shall be an assessment of all of the following:

- (a) Visits at the residence of the foster home applicants for observations of, and interviews with, each member of the household to determine all of the following:
 - (i) Marital and family status and history, including current and past level of family functioning and relationships and any incidents of domestic violence.
 - (ii) Educational history and any special skills and interests.
 - (iii) Employment history, current financial status, including property and income, money management skills, and outstanding financial obligations.
 - (iv) Physical, mental, and emotional health of each member of the household.
 - (v) Any history of substance abuse of each member of the household.
 - (vi) Parenting skills and attitudes toward children.
 - (vii) Methods of discipline of children.
 - (viii) Adjustment and special needs of the applicant's own children.
 - (ix) Strengths and weaknesses of each member of the household.
 - (x) Experiences with own parents and any history of out-of-home care.
 - (xi) Reasons for applying to be a foster family.
 - (xii) Previous experience in providing child foster care, child day care, or adult foster care.
 - (xiii) Attitude towards accepting a foster child.

- (xiv) Willingness to parent cross-racially or cross-culturally and to create an atmosphere that fosters the racial identity and culture of a foster child.
- (xv) Capacity and disposition to give a foster child guidance, love, and affection.
- (b) Previous adoption evaluations or placements.
- (c) Previous licenses, criminal convictions, and substantiated child abuse or neglect for any member of the household.
- (d) Three references from persons not related to the applicants.
- (e) A medical statement for each member of the household that indicates that the member has no known condition which would affect the care of a foster child. The statement shall be signed by a physician within the 12-month period before the initial evaluation.
- (f) Adequacy of the applicant's house, property, neighborhood, schools, and community for the purpose of fostering as determined by an on-site visit.
- (g) The age, number, sex, race, ethnic background, and the special characteristics of children preferred by the applicants.
- (h) Training needs of the family.

In addition to assuring that initial evaluations are complete, the CWL Central Office Licensing Consultants will be reviewing the initial studies for internally-consistent facts. For example, if an applicant states he has no children, but later states he was arrested for non-payment of child support, the interviewer must recognize and resolve that factual inconsistency with the applicant. A licensing study with this type of unexplained inconsistency is a negative reflection on both the worker and the supervisor who signs off on it. If these errors occur repetitively in an agency's initial evaluations it could, potentially, affect the entire agency license.

Finally, as required by **R400.12314(1) – License Recommendation**, our CWL Central Office licensing consultants will be evaluating the “appropriateness” of the agency's decision to recommend license issuance and the recommended license terms – i.e. capacity, age, gender, and special needs of foster children to be placed – based on the facts contained in the initial study. For example, although a person as young as 18 may apply for foster home licensure, a certifying agency must carefully explore and evaluate the motivation of a very young adult who wants to become a foster parent [required by **R400.12310(a)(xi)**] and the type of child they could successfully parent [required by **R400.12310(a)(vi), (xii) and (xv)**]. Similarly, if an applicant has never had children, certifying agency staff should be sensitive to that fact by recommending a lower capacity and less-difficult children than they would recommend placed with a “seasoned” foster family. [**R400.12310(a)(vi) and (xii)**].

Over a long time of randomly reviewing initial studies, we have identified several common topics that agencies tend to “under-evaluate”. Primary among these are: the applicant's income and employment history [**R400.12310(iii)**] and acquiring input from the applicant's own adult children [**R400.12310(i)**]. It is very common to read an original evaluation which indicates the applicant's source of income is SSI or worker's

compensation benefits, yet the agency does not identify the disability that qualifies the applicant for this form of income and, therefore, potentially fails to assess how that physical or mental disability might affect other aspects of the person's ability to provide foster care. Agencies also commonly fail to acquire supporting written documentation for applicants' statements regarding: income, expenses, employment, marital/divorce status, contacts with law enforcement, etc. Our CWL Central Office Licensing consultants will be expecting to see information in the initial study that describes the manner in which the agency documented this type of information. Finally, the certifying agency is expected to contact an applicant's adult children for input unless they cannot be located; if that is the case, the initial evaluation should specify their efforts to contact.

Uniform Format for Initial Evaluations

We are cognizant that this decision to review all individual initial evaluations is going to lengthen the time that BCAL takes to issue a license; however, we believe it will bring necessary quality improvement to the entire foster home certification process. In order to keep the delay to a minimum, **we are instituting a mandatory format requirement for all agencies – public and private – to use when preparing initial foster home studies.** (See Attachment 1). This type of uniformity will allow our licensing consultants to more-easily locate the information required by the rules. If our consultants return an evaluation for correction, the licensing consultant who handles the report will use a similarly-formatted document to describe the areas of noncompliance. **Please return any corrected evaluations to the specific licensing consultant who returned it to you.**

Agencies can find this format on the BCAL website at http://www.michigan.gov/dhs/0,1607,7-124-5455_27716_27720---,00.html under the Resource section. We have also distributed the document in Word format to all of our Child Welfare Licensing field consultants to share with agencies upon request. Please retain the Arial-12 font and do not eliminate, combine or rearrange the topic headings. The final page of the format is a reminder list for supervisors of what is to be reviewed. The final page does not have to be included with the home study submitted recommending issuance of an original license.

Timeline for Implementation

Effective October 1, 2008, BCAL will no longer accept an agency's initial evaluation that uses a differing format. We will return the entire original licensure packet for correction to the certification supervisor who signed off on the study. If an agency is on a provisional license, BCAL will also send a copy of the review summary to the agency's chief administrator. Additionally, whenever we return a study, the CWL consultant assigned to your agency's license will receive a copy of the Central Office licensing consultant's review summary for consideration at the agency's next licensing review.

Fingerprinting Payment Billing Errors

As you are aware, recent federal and state legislations require foster parent and adoptive applicants be fingerprinted. DHS has committed adequate funding in its budget to subsidize the cost of those fingerprints related to children in out-of-home care – i.e. foster family home applicants/licensees and applicants to adopt a foster child. However, BCAL has discovered two types of agency errors, which DHS must eliminate or otherwise address immediately.

- 1.) **Adult household members – i.e. non-licensee adults residing in the home – do not require fingerprinting.** Public Act 116 specifically requires only a Michigan clearance – called an “ICHAT” – on adult household members. Some agencies are providing these individuals with the same Licensing Record Clearance Request (BCAL-1326CW) form as is used for license applicant’s fingerprints and then the household member is going to the fingerprint vendor and being fingerprinted at DHS expense. **If an agency wishes to use the 1326CW form with the “Livescan Fingerprint Request” box in the upper-right hand corner for an adult household member’s criminal clearance, please cross-through that box with a black marker before giving him/her the form.** We have seen this error made by both public and private certifying agencies.
- 2.) **Applicants for Private Adoption are being fingerprinted at DHS expense.** For the ease of the child placing agencies, BCAL created the 1326CW form so that it can be used in all three instances in which people are fingerprinted – foster home licensure, foster child adoption, and private adoption. Even providers of international adoption services in Michigan are able to use this form for the Central Registry and previous license checks they require, if they correctly complete the form.

BCAL has discovered **errors by agencies that handle both foster child and private adoptions checking the wrong “application type” box, so that it is designated as a foster child adoption, when it is not.** We even have found an instance where a private agency failed to designate the form as being for an international adoption and the applicant took it to the fingerprint vendor. International adoptive applicants should never be sent for fingerprints from the state’s fingerprint vendor.

Private adoption agencies must be very careful to use only the most recent version of the 1326CW. That form’s footer reads: “BCAL-1326-CW (1-08) Previous edition obsolete. MS Word.” Previous versions of this form lacked the box to designate an international adoption and one contained a billing coding error; although that error did not involve the private adoption code, which is “AWP”, and is not the cause of these errors. **We request all agencies check their staff’s stock of 1326CWs to assure they are the correct version. The correct version is also attached to this CPA letter (Attachment 2) and on the BCAL website at:**

http://www.michigan.gov/documents/dhs/BCAL-1326-cw_219379_7.pdf

Effective immediately, BCAL will begin providing the DHS Foster Care Program Office, which is the entity handling DHS' payment for fingerprints, with the details behind any of the above errors discovered by our staff. In the case of a private agency, DHS will be developing an invoice process for recouping the cost of the incorrect fingerprinting from the agency that released the 1326CW form to the individual. In the case of a DHS agency, we will be informing the county director. BCAL will not delay the processing of your clearance paperwork for this type of error, as we do not believe the applicants themselves are primarily responsible.

Notification of Michigan's Children's Institute (MCI)

The purpose of the DHS Michigan Children's Institute (MCI) is to provide guardianship and supervision for Michigan children who have become wards of the State (MCI Wards) due to termination of parental rights. The MCI is authorized to provide consent for adoption of these children. **MCI Superintendent Bill Johnson is requesting that child placing agencies keep him informed of any MCI Ward who remains placed in a foster home after the certifying agency recommends disciplinary action on the home's license.**

Generally a CPA will remove all foster children from the foster home before recommending disciplinary action on the license. However, there are occasions when foster children may remain in the foster home. Circumstances that may lead to the continued placement of a foster child in a home where disciplinary action is pending may be: an order of the court for the child to remain in or be returned to that specific home; a "borrowed bed" situation when another CPA is supervising the placement; or a placement that is being maintained for the purpose of a pending adoption.

In cases where a CPA recommends disciplinary action against a foster home license and one or more MCI Wards remain in this home, the certifying CPA must notify MCI Superintendent Bill Johnson. **Written notification should be provided directly to MCI Superintendent Bill Johnson when the CPA forwards the recommendation for disciplinary action to BCAL.** When providing this information to the MCI, please provide:

1. The full name of the child or children
2. The date or dates of birth of the child or children
3. The name of the foster parent with whom the children remain
4. The name and telephone number of the certification supervisor.

MCI Superintendent Bill Johnson can be reached by email at JohnsonB3@michigan.gov,

Please note that it is essential to provide the MCI Ward's full name and date of birth to Bill Johnson, as the MCI has no way of cross-referencing foster home licensees with the placement locations of MCI Wards. **Even if the remaining MCI Ward is not supervised by your CPA, it is the certification worker or supervisor's responsibility to**

notify the MCI of this child's continued placement in the foster home and provide updates throughout the disciplinary action process.

Also, when forwarding a recommendation for disciplinary action to BCAL, please provide documentation that specifically calls attention to any foster children, including MCI Wards, who remain in the foster home. This documentation could be in the form of a memorandum or transmittal sheet. Please provide the full names and dates of birth of these children as you would for the MCI.

Promulgation of New Child Placing Agency and Foster Family Home Rules

On July 3, 2008, the Department of Human Services reached an out-of-court agreement with Children's Rights Inc., resolving a federal lawsuit over Michigan's child welfare system. With the settling of this litigation and in response to the higher standards required by the legal settlement, BCAL will soon be requesting permission from the State Office of Administrative Hearings and Rules (SOAHR), a part of the Department of Labor & Economic Growth, to begin promulgating new administrative rules for both child placing agencies (CPA) and children's foster family homes.

The first step in the rule promulgation process is for BCAL to formally request, through DHS' Regulatory Affairs Officer Luttrell Levingston, that SOAHR grant BCAL "rule-making authority" to open and amend both sets of administrative rules. Once that is granted, BCAL will convene a committee of "experts" from both the private and public sectors to review, discuss and advise BCAL on suggested changes, additions and deletions to the two rule sets. Janice Tribble, CWL's Program Manager for Foster Homes and Children's Camps, has agreed to chair the rule committee, as she so adeptly did the rule committee for the child caring institutions rules in 2007-2008 and the residential camp rules committee before that.

Janice hopes to convene the first meeting of the CPA rule committee in October 2008. Due to the need to keep the size of the group workably small – i.e. 20 – 25 people - committee membership is by invitation-only. However, Janice will create a list-serve, which BCAL encourages all interested persons to join. This allows everyone to "follow-along" with the committee's work and give comment when you feel it necessary and/or helpful. Once all proposed changes have been drafted and reviewed by SOAHR for legal sufficiency, BCAL will present the draft rule sets at public hearings around the state. This is the formal opportunity in the rule promulgation process for anyone who wishes to comment "on the record" about any of the rule amendments BCAL will propose.

Zoning Changes for Foster Family Group Homes

In July 2006, the Michigan legislature passed the **Michigan Zoning Enabling Act**, Act 110 of 2006, which eliminated the three separate city and village, county, and township zoning laws by combining them into one statute. The pre-2006 laws required that BCAL notify a local zoning authority whenever we received a foster family group

home application involving a home in their municipality. That notice allowed the zoning authority a period of 45 days to identify whether there was another state-licensed residential facility within 1500 feet of the proposed group home and, if so, to possibly recommend that BCAL not issue the foster family group home license.

The Michigan Zoning Enabling Act eliminated the requirement to notify the zoning authority and, thus, there is no longer a 45-day waiting period to issue a foster family group home license. BCAL has amended policy and practice to be consistent with this statutory change. The certifying agency's procedure for recommending a foster family group home license to BCAL remains the same, except that staff no longer needs to warn the applicant of an automatic 45-day delay nor prepare an "excessive concentration" review. **R400.12310(f) still requires that the certifying agency assess the adequacy of the applicant's property, neighborhood, schools and community in an initial evaluation.**

BCAL Central Office Child Welfare Staffing

A list of BCAL Central Office staff who have child welfare functions and the staff from the Disciplinary Action Unit is attached to this letter. The list includes the name, email address, telephone number, job function, and the area of the state the person serves when relevant.